

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Chartpak, Inc.,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
CC International LLC, d/b/a)	
Crafters Companion USA)	
)	
Defendant.)	

COMPLAINT FOR DESIGN PATENT INFRINGEMENT

Chartpak, Inc., ("Plaintiff") complaining of CC International LLC ("Defendant"),
pleads as follows:

1. Plaintiff is a Delaware corporation, having executive offices at 510 Broad Hollow Road, Melville, NY 11747-3664.

2. Defendant is, upon information and belief, a Florida limited liability company doing business as Crafters Companion USA, having an office and place of business at 2750 E. Regal Park Drive, Anaheim CA 92806. Defendant, under the Crafters Companion USA name, sells markers throughout the United States, including in New York.

3. The present Complaint is for patent infringement pursuant to 35 U.S.C. 271. This court has subject matter jurisdiction of the claim pursuant to 28 U.S.C. 1338(a). The court has personal jurisdiction over Defendant in accordance with the New York long-arm statute, at least as Defendant on information and belief has substantial contacts with the State of New York and engaged in wrongful acts as set forth herein within the State. Venue in this district is proper pursuant to 28 U.S.C. 1400.

4. Plaintiff by assignment is a joint owner of U.S. Design Patent D713,459 of September 16, 2014 entitled "Marker" ("the '459 Patent"). A true copy of the '459 Patent is annexed hereto as Exhibit A. The '459 Patent covers the ornamental design for a dual-ended marker.

5. Defendant, under its Crafters Companion USA name, is offering for sale and selling dual-ended markers under the Spectrum AQUA name which have virtually the identical appearance to the marker depicted in the '459 Patent, the ornamental design of which is protected by the sole claim of the '459 Patent. Defendant's markers, which are distributed and sold throughout the United States, are manufactured, distributed and sold without the consent of Plaintiff or its joint patent owner. Photographs of a representative Spectrum AQUA product of Defendant are annexed hereto as Exhibit B.

6. The manufacture, offering for sale and sale of Defendant's Spectrum AQUA markers constitutes infringement of Plaintiff's '459 Patent. Defendant has been placed on notice of its alleged infringement of the '459 Patent and, upon information and belief, is continuing its infringement in a knowing and intentional manner.

7. The acts of Defendant as aforesaid are causing irreparable injury and damage to Plaintiff and will continue to do so unless restrained by this court. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays that the court:

1. Grant Plaintiff a permanent injunction enjoining Defendant, its officers, agents, servants, employees and such other persons who may be in active concert or

participation with it or them from further infringement of U.S. Design Patent No. D713,459;

2. Require Defendant to account to Plaintiff for its profits resulting from its commercial activities in conjunction with infringing markers and award such profits to Plaintiff pursuant to 35 U.S.C. 289, such award to be increased as may be allowed;

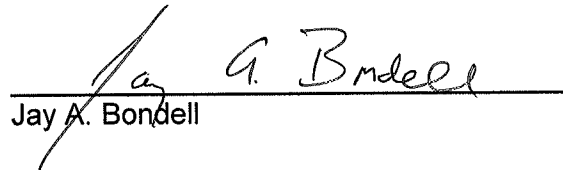
3. Award Plaintiff its damages resulting from the infringement pursuant to 35 U.S.C. 274, such damages to be increased as may be allowed;

4. Award plaintiff's its attorneys' fees pursuant to 35 U.S.C. 285; and

5. Award plaintiff its costs and such other relief as deemed appropriate in the circumstances.

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By


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